



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2004

SUBJECT: **2003-0897 - Phillip Alampi** [Applicant] **Lawrence Oakmead Center Llc** [Owner] - Application for a 3-acre site located at **540 Lawrence Expressway** in an M-S (Industrial & Service) Zoning District. (APN: 216-44-086) RK

Motion **Use Permit** to allow on-site sale of beer in an existing internet/video game business.

REPORT IN BRIEF

Existing Site Conditions Existing Internet/Video Game Business located within a Commercial & Retail Center

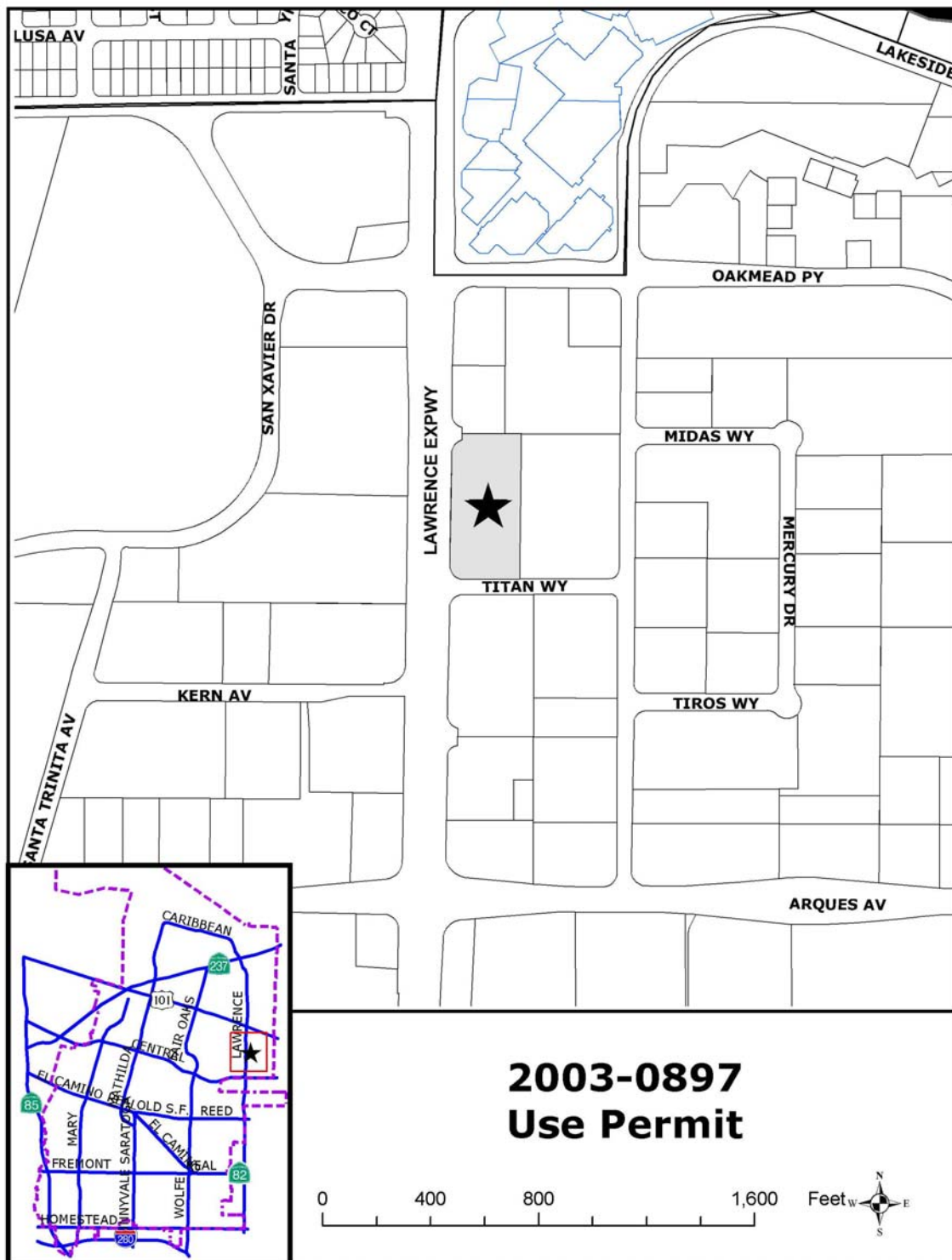
Surrounding Land Uses

North	Fast Food Restaurant
South	Shopping Center
East	Industrial
West	Industrial across Lawrence Expressway

Issues Compatibility of Use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial	Same	Same
Zoning District	MS	Same	Same
Lot Size (s.f.)	132,858	132,858	22,500 min.
Gross Floor Area (s.f.)	23,200	23,200	46,500 max.
Lot Coverage (%)	17.5%	17.5%	45% max.
Floor Area Ratio (FAR)	17.5%	17.5%	35% max.
No. of Buildings On-Site	1	1	---
Building Height (ft.)	Approx. 23	Approx. 23	75 max.
No. of Stories	1	1	8 max.
Setbacks (facing prop.)			
• Front	75	75	25 min.
• Left Side	60	60	No min. (20 total)
• Right Side	75	75	No min. (20 total)
• Rear	70	70	None
Landscaping (sq. ft.)			
• Total Landscaping	Approx. 24,200	Same	26,571 min.
• Frontage Width (ft.)	25' min.	Same	15 ft. min.
Parking			
• Total No. of Spaces	187	187	116 min.
• No. of Accessible	6	6	6 min.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0092	Two Wall Signs	Miscellaneous Plan Permit/ Approved	2/5/03
2003-0030	New Computer/Gaming Business	Miscellaneous Plan Permit/ Approved	1/30/03
1979-0067	Develop Commercial Center	Planning Commission/ Approves	11/26/79

The applicant originally applied for a Miscellaneous Plan Permit for the ability to sell beer at the site. Planning Staff determined that the intention of the business was to offer the sale and consumption of beer at the site. It was determined that a Use Permit was the appropriate applicant for the on-site sale of alcohol.

Description of Proposed Project

The application is for a Use Permit to allow the on-site sale of beer at an existing internet/gaming business located at the Oakmead Commercial Center. The project does not propose any tenant improvement or exterior modifications to the building.

Environmental Review

Staff conducted a review of potential environmental impacts for the project and determined that the project is categorically exempt from environmental review in accordance with the California Environmental Quality Act. Class 1 Categorical Exemptions include changes of use.

Use Permit

Use: The proposed use would enable patrons over the age of 21 (per State law) to purchase and consume beer at the business. A letter submitted by the applicant describing the business is located in Attachment 4. The applicant had submitted hours of operation for the various days of the week under the Miscellaneous Plan Permit which was approved early this year as mentioned in the "Background" section of the report. The business is currently open from noon until 4am. The Department of Public Safety has reviewed the proposal and recommends that the business be open no later than 2 a.m. which is consistent to other establishments that serve alcohol in Sunnyvale. Planning Staff recommends Condition of Approval #3, which states that the business be open no later than 2 a.m. each day.

Site Layout: The business is part of an existing retail center consisting of eight separate businesses. The subject tenant space is located at the south side of the building located at the corner of Lawrence Expressway and Titan Way.

Floor Plan: Site and floor plans can be found in Attachment #3. The tenant space is divided up into various private computer rooms along each side. A waiting and lounge area is located towards the rear of the building. Accessible bathrooms are also situated at this part of the building. An employee and office area is positioned directly to the left of the entrance of the tenant space. The approved Miscellaneous Plan Permit required that the business provide visibility into the private computer rooms. Staff recommends that this condition remain as stated in Condition of Approval #7 of this Use Permit. The applicant proposes to offer the sale of beer in the refreshment and gaming areas.

Architecture: There are no proposed architectural changes to the existing building. General maintenance and upkeep of the site is required as stated in the Conditions of Approval.

Landscaping: The site provides approximately 24,200 square feet of landscaping. According to current Landscaping requirements as noted in the Data Table, the site is slightly under standards. The project does not propose any modification or additional landscaping to the site. As there are no proposed modifications to the site and the business currently operates with a valid permit, planning staff does not feel additional landscaping is warranted at this time.

Parking/Circulation: The parking of the site was reviewed at the time of the use was approved with the Miscellaneous Plan Permit earlier this year. At that time, it was determined that the site had sufficient parking for the proposed use. No additional parking is required for the sale of beer at the site.

Compliance with Development Standards

The site complies with all standard development requirements for properties located in the M-S Zoning District with the exception of existing landscaping. The proposed use does not intensify the use or neighboring businesses at the site.

Expected Impact on the Surroundings

There are no residential uses that are located near the subject site. Staff believes that the proposed sale of beer at the site should not have a negative impact to the surrounding uses. There are nearby restaurants with the sale of alcohol that are open late into the evening.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant
5. Site Photos

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide additional commercial opportunities while not causing additional negative impact to surrounding uses.

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

The proposed use will enable the current business to provide an additional entertainment use to the area and expand its services to its patrons.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed use will not negatively impact adjacent properties or significantly increase noise and traffic in commercial-industrial area. Restaurants that include the on-site sale of alcohol are located in near the subject site. Residential uses are not located in close proximity to the proposed use.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because site is appropriately located in a commercial and service center. The additional ability to sell beer in conjunction with the approved use should not interfere with the neighboring industrial uses. The proposed business shall not be a detriment to neighboring properties through conformance to the conditions of the Use Permit.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit

1. The two year expiration of the Variance shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
3. The operation hours for the business shall be open no later than 2am each day of the week.
4. All recycling and solid waste shall be confined to approved receptacles and enclosures.
5. The property shall remain clean and free of debris and garbage.
6. The building façade shall be maintained in good condition.
7. Maintain visibility into private computer rooms. Each room shall be enclosed with clear windows, and visibility into rooms must not be obstructed.

INSERT NEGATIVE DECLARATION when applicable